

**MINUTES FOR THE REGULAR MEETING OF THE  
CAPE CORAL CITY COUNCIL**

January 6, 2021

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:30 p.m.

**INVOCATION/MOMENT OF SILENCE – Councilmember Nelson**

**PLEDGE OF ALLEGIANCE – Councilmember Nelson**

**Roll Call:** Mayor Coviello, Councilmembers Cosden, Gunter, Hayden, Nelson, Sheppard, Welsh, and Williams were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Coviello asked if anyone had any changes to the agenda. There were none.

***Councilmember Nelson moved, seconded by Councilmember Gunter, to adopt the agenda, as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

**RECOGNITIONS/ACHIEVEMENTS**

**2nd Place Digital Cities Award by the Center for Digital Government for Cities with Populations 125,000 to 249,999 - ITS Department**

City Manager Hernandez explained that the City's ITS Department was recognized for the third year in a row as placing 2<sup>nd</sup> for a national award in responding to particular issues. This year the Cities were recognized for utilizing technology in response to the pandemic. He welcomed ITS Director Hoffmann to accept the award.

ITS Director Hoffmann stated that IT was proud of this award, and it was the third year of 2<sup>nd</sup> place and fifth year overall in the top three. ITS has a strong commitment to smart city technology and improving the IT Department.

**Civilian Awards Presented by Interim Chief of Police Anthony Sizemore and Fire Chief Ryan Lamb**

City Manager Hernandez requested that Fire Chief Lamb and Interim Chief of Police Sizemore approach the podium. He explained that the purpose of Civilian Awards was to recognize the heroic actions of Cape Coral Citizens.

Interim Chief of Police Sizemore and Fire Chief Lamb presented Tyler Ravert with the Citizen Recognition Award, which is the highest Civilian Award.

**APPROVAL OF MINUTES**

**Regular Meeting - December 7, 2020**

***Councilmember Nelson moved, seconded by Councilmember Cosden, to approve the minutes for the December 7, 2020 Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

Special Meeting (Attorney Client Session) - December 9, 2020

***Councilmember Gunter moved, seconded by Councilmember Welsh, to approve the minutes for the December 9, 2020 Special Meeting (Attorney Client Session), as presented. Voice Poll: All "ayes." Motion carried.***

Regular Meeting - December 14, 2020

***Councilmember Welsh moved, seconded by Councilmember Nelson, to approve the minutes for the December 14, 2020 Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

**CITIZENS INPUT TIME**

Jerry Owens appeared to discuss the COVID-19 vaccination event held last Wednesday. He commended the City for the site preparation and process. The CERT Team was available to answer questions and aid Residents as needed. He recognized City Staff for an outstanding job.

Anne McCormick appeared to discuss additional letters from neighbors in Southwest Florida supporting the removal of the Chiquita Lock which she presented to the City Clerk. She discussed the demographics of the supporters advocating the removal.

Larry St. Amand appeared to voice his concerns with Ordinance 95-20 as the Planning and Zoning Commission recommended to approve the Ordinance today 6-1. He discussed the issues with the proposed density changes.

Christina St. Amand appeared to discuss concerns with Ordinance 95-20. She explained the changes to access points, concerns with traffic issues, and a proposed increase of density change. She discussed the notice process.

Ron Austin appeared to discuss the removal of the Chiquita Lock. He inquired about the status of the new permit to remove the lock. He requested to know who was handling and managing the processes of this project. He inquired about discussions with the DEP.

Councilmember Gunter commented regarding Ordinance 95-20 and invited the speakers to return to a future Council meeting to provide their opinion at that scheduled hearing. He welcomed the information provided by the Resident regarding the Chiquita Lock. He addressed the Chiquita Lock issue and stated that this was a legal matter being handled by the City Attorney and the process was moving forward.

City Attorney Menendez stated that Ordinance 54-20 was on the Agenda tonight which is a Text Amendment to the City Comprehensive Plan to remove the Judd Creek Sub-District. The property assigned to Judd Creek Sub-District would need to be moved away from the Sub-District. She explained that at the P&Z meeting the Ordinance 95-20 discussed was about the Land Use assignment of the particular property of the Judd Creek Sub-District. She reiterated that Ordinance 54-20 would be seeking to remove the Judd Creek Sub-District from the Comprehensive Plan.

Councilmember Sheppard addressed the Citizens' comments about the Chiquita Lock and stated that as their Councilmember he would do everything he can to provide updated information. This is a pending legal matter and the Citizens could contact him to work together. He commended the Citizen recognized for heroic actions.

Councilmember Welsh addressed the speakers with the concerns regarding the Judd Creek Sub-District. He stated that tonight's Ordinance was seeking a Text Amendment only and not Land Use or Zoning. He suggested that they stay to hear the discussion about Ordinance 54-20.

Mayor Coviello addressed concerns with the Chiquita Lock. Each of the Councilmembers had a briefing with the City Attorney today, and the process was moving along.

**BUSINESS**

**CONSENT AGENDA**

- 1) Resolution 274-20 Award Invitation to Bid #BPW2110AP Major Road Resurfacing FY2021 to Community Asphalt Corporation for asphalt resurfacing sections of three different major roadways totaling approximately 19 lane miles and other related work as the lowest responsive, responsible bidder, in the amount of \$1,776,872 with a 5% city controlled contingency of \$88,844 for a total of \$1,865,716 and authorize the City Manager or Designee to execute the contract, purchase orders and change orders; Department: Public Works; Dollar Value: \$1,865,716; (Transportation-Road Resurfacing Fund /Water and Sewer Fund)
- 2) Resolution 1-21 Approve a Sole and Single Source to Hach Company for the purchase of Hach laboratory water quality sampling equipment, including parts for repair and maintenance. Items that will be purchased include, but not limited to pH meters, composite samplers, chlorine analyzers, suspended solids sensors, turbidimeters, dissolved oxygen sensors, multi-parameter spectrophotometer and lab sample reagents for Fiscal Year 2021 and Fiscal Year 2022, not to exceed budgetary limits and authorize the City Manager or Designee to execute the purchase orders. Department: Utilities. Combined Total Dollar Amount: \$340,000 (Water & Sewer Fund – FY2021 \$170,000 and FY2022 \$170,000).
- 3) Resolution 2-21 Approve the sole and single source to Xylem Water Solution USA, Inc. and Tom Evans Environmental, Inc. for the purchase and repair of Flygt and Ebara Pumps, respectively, for fiscal year 2021 through 2023, not to exceed budgetary limits and authorize the City Manager or Designee to execute the purchase orders. Department: Utilities. Combined Dollar Amount: \$2,235,000 (Water & Sewer Fund – FY-21 \$730,000, FY-22 \$745,000, and FY-23 \$760,000)
- 4) Resolution 4-21 Approving Impact Fee Deferral Agreements between the City of Cape Coral and Habitat for Humanity of Lee and Hendry Counties; Department: Community Development; Dollar Value: \$39,680.62; Fund: N/A
- 5) Resolution 5-21 Approve the Contract with Douglas S. Lee, MD for Medical Director Services in the amount of \$55,500 for the first year and a 3% cost escalation for future years; The term of the contract is for five years starting on February 12, 2021 thru February 11, 2026; And authorize the City Manager or Designee to execute the agreement, renewals and amendments. This procurement is exempt from competitive solicitation per the City of Cape Coral Procurement Ordinance exemption, Section 2-141 (12) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; Department: Fire; Estimated Annual Dollar Value: \$55,500; (General Fund – escalation up to 3% on future years)
- 6) Resolution 8-21 Acceptance of Drug Recognition Expert (DRE) Call Out Subcontract Agreement, to conduct DRE evaluations on an overtime basis; Department: Police; Dollar Value: \$8,000; No cash match; (Fund: N/A)
- 7) Resolution 11-21 Approval of Stipulated Order of Taking and Final Judgment for the eminent domain case of City of Cape Coral v. Joel Torres, et al., being Case Number 20-CA-005902 to resolve the acquisition of Festival Park Parcels #FP-128 and FP-129 (aka Lots 25 and 26, Block 3013, and Lots 27 and 28, Block 3013, both in Cape Coral Unit 43 – 1206 & 1210 NW 25th Terrace) for a total settlement cost of \$20,000 per parcel, inclusive of fees and costs; Department: Financial Services / Real Estate Division; Dollar Value: \$40,000; (Parks Capital Project/GO Bond Fund)
- 8) Resolution 12-21 Approval of, and authorization for the City Manager to execute License Agreements with Meta at Cape Harbour Community Association, Inc.,

LDC Cape Harbour Holdings, LLC and SHM Cape Harbour, LLC for the temporary use of portions of their ownerships within Cape Harbour for event parking, participant registration and activities, spectators and vendors attending the Tour de Cape community event on January 22nd through January 24th 2021. Department: Financial Services / Real Estate Division; Dollar Value: N/A (Fund: N/A)

Mayor Coviello asked if any Councilmember wanted to pull any item. There were none.

***Councilmember Nelson moved, seconded by Councilmember Gunter, to approve items 9(A)(1), 9(A)(2), 9(A)(3), 9(A)(4), 9(A)(5), 9(A)(6), 9(A)(7), and 9(A)(8), as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

#### PERSONNEL ACTIONS

Resolution 10-21 Authorizing the addition of one FTE Housing Intake Specialist Department: Community Development

City Manager Hernandez explained that this Resolution would create one full-time grant funded position for a Housing Intake Specialist. This position would be funded through Community Development Block Grants, and there is no impact to the General Fund.

***Councilmember Nelson moved, seconded by Councilmember Hayden, to approve Resolution 10-21, as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Resolution 13-21 Approving extension of the agreement with Fraternal Order of Police (Officers and Sergeants) bargaining units concerning sick leave related to COVID-19; Department: Human Resources

Resolution 14-21 Approving extension of the agreement with Fraternal Order of Police (Lieutenants) bargaining units concerning sick leave related to COVID-19; Department: Human Resources

Resolution 15-21 Approving extension of the Agreement with the Fire Supervisory and Rank and File bargaining units concerning sick leave related to COVID-19; Department: Human Resources

Resolution 16-21 Approving extension of the Agreement with the Professional, Supervisory, White Collar and Blue-Collar bargaining units concerning sick leave related to COVID-19; Department: Human Resources

Resolution 17-21 Approves the extension of Paid Sick Leave Related to the COVID-19 Pandemic for Non-bargaining Employees; Department: Human Resources

Human Resources Director Sonego explained what these Resolutions would accomplish. They would approve extension of the original additional 80 hours of sick leave provided by the City as approved on April 6, 2020 related to the COVID-19 pandemic following the FFCRA guidelines, retroactive from January 1, 2021 through June 30, 2021.

Mayor Coviello inquired if this was an extension of what was already in place.

Director Sonego responded in the affirmative.

***Councilmember Welsh moved, seconded by Councilmember Gunter, to approve Resolutions 13-21, 14-21, 15-21, 16-21, and 17-21, as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

PETITIONS TO COUNCIL

None.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None.

ORDINANCES/RESOLUTIONS

Public Hearings

Resolution 9-21 Public Input

WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution authorizes the amendments to the 2019-2020 One-Year Action Plan for the Community Development Block Grant (CDBG) entitlement program and the 2015-2019 consolidated plan for the Community Development Block Grant program and authorizes and directs the City Manager or his designee to prepare and submit the amendments to the US Department of Housing and Urban Development, authorizes the City Manager or his designee to execute all agreements and documents necessary for submission of the amendments and the use of such funds and authorizes the City Manager or his designee to execute subrecipient agreements upon approval by the US Department of Housing and Urban Development. (Applicant: Brought forward by City Management.)

City Clerk Bruns read the title of the Resolution.

Housing Coordinator Yearsley explained what this Resolution would accomplish and displayed the following slides:

- Resolution 9-21
- Background
- Approach
- Current Expenditures
- Funding Overview
- Next Steps

Public Hearing Opened.

No speakers.

Public Hearing Closed.

***Councilmember Nelson moved, seconded by Councilmember Welsh, to approve Resolution 9-21.***

Councilmember Williams inquired about the transportation line item. He discussed the past donations to Good Wheels which is no longer possible. He inquired if it was permitted to move the money to another type of program. Secondly, he inquired if the funds could help support the City's own bus program or could the \$5,000 be used to buy Special Pops another bus.

Mayor Coviello inquired if the money would need to be related to the pandemic.

Housing Coordinator Yearsley responded that the expenditures would need to be a COVID-related hardship. She explained how the Mini-Bus is funded under CDBG and

fee assistance has been used for qualified households. She explained that there must be a decrease in money directly related to COVID hardship.

Mayor Coviello stated he was surprised that the funds have not been expended and inquired if there were applications still pending for people in need of assistance.

Housing Coordinator Yearsley responded that once the Staffing process is completed, they would be able to move quickly. She explained the challenges with developing the program and getting the information out to the public.

Councilmember Hayden inquired about the \$1M available funds for rent and mortgage assistance roll out, how would it be spent, and how does the information get out to the public.

Housing Coordinator Yearsley provided a background of how the process would allocate the funds.

Councilmember Gunter inquired about the allocation funding for daycare.

Housing Coordinator Yearsley responded that the funds could be shifted from transportation to daycare.

Councilmember Gunter stated he would be in favor of allocating more funds to daycare assistance. He inquired how the information would be announced publicly.

City Manager Hernandez responded that Staff will develop an aggressive communication strategy to get the word out via faith-based groups, other non-profits, social media, and press releases to inform the public that funds are available for those in need.

Mayor Coviello inquired about the 10% discretion to move funds to eligible activities.

Housing Coordinator Yearsley responded that it was 10%.

***Councilmember Nelson amended the motion to include the 10% latitude for moving funds in the identified categories. Councilmember Welsh, the second, agreed.***

Councilmember Nelson inquired about the anticipated launch date and how long would the applications be kept open.

Housing Coordinator Yearsley responded that originally all the money was committed within a two-week period. When CRF was launched, there were 1,300 emails received on the first day. Staff would be ready to launch as soon as possible.

Councilmember Nelson inquired about the childcare funding. Is it given to individual Residents who need it or directly to the daycare center?

Housing Coordinator Yearsley explained that a stipend of their afterschool daycare is paid in the childcare model. It has not been developed yet, but if Council has a desire to do that, it could be done that way. She mentioned that Lee County provided childcare funding to childcare providers.

Councilmember Nelson questioned if there was a way to partner with Child Care of Southwest Florida. She noted that this organization offers lower cost daycare and may benefit Residents who are already using it.

Mayor Coviello requested that the funding could be used in transportation for COVID-19 testing and/or vaccination.

Housing Coordinator Yearsley responded that she would look into this request.

Councilmember Gunter requested an example of how Economic Development would use the funds.

Housing Coordinator Yearsley provided the various factors that could be applied.

Councilmember Sheppard inquired about the vetting process for the applicants.

Housing Coordinator Yearsley discussed the application process and vetting requirements.

Councilmember Sheppard inquired about the measures that are considered to verify that the application should be funded.

Housing Coordinator Yearsley stated that funds would be paid to the landlord or the mortgage company.

Councilmember Sheppard inquired how many Staff members were working on these applications.

Housing Coordinator Yearsley stated that currently there are two employees managing the grants. A non-profit employee is used for the first round, and Council tonight approved a position to work on this particular program, as well as the UEP.

City Attorney Menendez suggested proposed language to capture Council's intent: ***In Section 1 of Resolution 9-21 add sentence: Further the City Council authorizes and directs the City Manager or his designee to reallocate the funding amount reflected in the Summary Table attached hereto from one category to another as long as such reallocation does not alter the funding amount in any one category by more than 10%.***

***Councilmember Nelson agreed to the changes as stated by City Attorney Menendez. Councilmember Welsh, the second, agreed.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 54-20 (TXT 20-0007) Final Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending Policy 1.15 of the Future Land Use Element to remove the Judd Creek Sub-District. (Applicant: Brought forward by City Management.)

Planning & Zoning Commission Recommendation: At their August 5, 2020 Regular Meeting, the Planning and Zoning Commission voted unanimously to recommend approval of Ordinance 54-20.

DCD Department Recommendation: Approval.

City Clerk Bruns read the title of the Ordinance.

Planning Team Coordinator Daltry explained what this Ordinance would accomplish and displayed the following slides:

- Ordinance 54-20 TXT 20-0007
- Purpose: Applicant, request, purpose
- Location of Judd Creek Sub-District
- Background (2 slides)
- Conclusion, Staff recommends Adoption

Public Hearing Opened.

City Attorney Menendez clarified that Ordinance 95-20 was not being heard at today's meeting.

Christina St. Amand appeared to discuss Ordinance 95-20. She was concerned with the timeline of the notices received, language change vs. dwelling units increase, future traffic congestions, and constraints issues. She requested that Council vote no on Ordinance 54-20 or at least table it.

DCD Director Cautero discussed the process of amending a Comprehensive Plan. The Growth Management Act was enacted by the State of Florida over 35 years ago. He clarified that Staff started with the Map Amendment first. He explained the differences between the Future Land Use Element process and Text Amendments which are not required by the State to be advertised. Sub-District Text Amendments are advertised in the newspaper, and Map Amendments require notice to be sent to property owners. He suggested that both Ordinances be brought back at the same time to be presented to Council. He suggested that information be sought from the developer on the future development plan.

Planning Team Coordinator Daltry stated that the time frame was good until mid-April 2021.

City Attorney Menendez stated that the Ordinance could be continued to a date certain.

Director Cautero stated that this would be worked on and brought back to Council.

***Councilmember Gunter moved, seconded by Councilmember Nelson, to continue Ordinance 54-20 to the April 7, 2021 Council meeting.***

Councilmember Williams stated he supported the continuation, but that there needs to be some language changes.

Public Hearing Closed.

Councilmember Gunter inquired about the 22 acres purchased by Lee County.

Director Cautero noted that the Lee County purchase was on the southern portion. He noted that he would provide more information.

Councilmember Gunter stated the purchase of the Judd Creek property for using Conservation money was 22 acres. He questioned how many acres the subject property was that is being discussed.

Planning Team Coordinator Daltry responded there were 190 acres, 22 is within that 190.

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 83-20 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 87-00, as amended by Ordinance 88-04, Ordinance 40-11, and Ordinance 13-19, which established the City of Cape Coral Investment Policy for Surplus Funds, by adopting an amended City of Cape Coral Investment Policy. (Applicant: Brought forward by City Management.)

City Clerk Bruns read the title of the Ordinance.

City Manager Hernandez stated that proposed changes on this Ordinance were presented at a prior COW meeting.

Public Hearing Opened.

No speakers.



Public Hearing Closed.

***Councilmember Nelson moved, seconded by Councilmember Gunter, to adopt Ordinance 83-20, as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 98-20 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the sale of municipal surplus real property described as Lots 35 and 36, Block 5460, Unit 90, Cape Coral Subdivision pursuant to Section 2-155 of the City of Cape Coral Code of Ordinances and authorizes and directs the Mayor and Clerk to execute a deed conveying the aforementioned surplus real property located at 4122 NW 39th Lane to TSAVO Group, Inc. (Applicant: Brought forward by City Management) NOTE: Purchase price is \$53,000.00.

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews explained what this Ordinance would accomplish and displayed the following slide:

- Location Map

Public Hearing Opened.

No speakers.

Public Hearing Closed.

***Councilmember Williams moved, seconded by Councilmember Nelson, to adopt Ordinance 98-20, as presented.***

Councilmember Williams inquired if this was a clean sale.

Broker Andrews responded in the affirmative.

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 99-20 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the sale of municipal surplus real property described as Lots 53 and 54, Block 5241, Unit 81, Cape Coral Subdivision pursuant to Section 2-155 of the City of Cape Coral Code of Ordinances and authorizes and directs the Mayor and Clerk to execute a deed conveying the aforementioned surplus real property located at 1432 Old Burnt Store Road North to TSAVO Group, Inc. (Applicant: Brought forward by City Management) NOTE: Purchase Price is \$20,000.00.

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews explained what this Ordinance would accomplish and displayed the following slide:

- Location Map

Public Hearing Opened.

John Tilowski inquired about the process of how the City properties appear on the agenda and sold as surplus. He asked how the properties are assessed.

Broker Andrews explained that the Code of Ordinances require an Ordinance to be adopted. Properties are on the MLS for a minimum of 30 days prior to contracts being

brought forward. She mentioned she would obtain the speaker's contact information for further discussion. She stated that appraisals are obtained on the properties and listed at market value.

Public Hearing Closed.

***Councilmember Gunter moved, seconded by Councilmember Williams, to adopt Ordinance 99-20, as presented.***

Councilmember Williams inquired if either one of these properties were part of the 491 purchase.

Broker Andrews responded that this property was not; however, the prior property and next one were part of the 491 purchase.

Councilmember Williams asked if the revenue from that would be returned to the fund that purchased the property.

Broker Andrews responded in the affirmative. She added that there would be surplus funds left over.

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 100-20 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the sale of municipal surplus real property described as Lots 49 and 50, Block 5465, Unit 90, Cape Coral Subdivision pursuant to Section 2-155 of the City of Cape Coral Code of Ordinances and authorizes and directs the Mayor and Clerk to execute a deed conveying the aforementioned surplus real property located at 4111 NW 39th Street to TSAVO Group, Inc. (Applicant: Brought forward by City Management.) NOTE: Purchase Price is \$53,000.00.

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews explained what this Ordinance would accomplish and displayed the following slide:

- Location Map

Public Hearing Opened.

No speakers.

Public Hearing Closed.

***Councilmember Williams moved, seconded by Councilmember Hayden, to adopt Ordinance 100-20, as presented.***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

#### Introductions

Ordinance 1-21 (ZA 20-0001\*) Set Public Hearing for January 20, 2021

\*Quasi-Judicial, All Persons Testifying Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as two parcels of land lying in Section 8, Township 44 South, Range 24 East, Lee County, Florida, from Industrial Planned Development (a Lee County designation) to Industrial (I) zone;

property is located at 1109-1111 Pondella Road. (Applicant: Honc Docks & Lifts, Inc.) (6.21 acres)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council Grant the Rezoning application.

DCD Department Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for January 20, 2021 in Council Chambers.

Ordinance 2-21 (ZA 20-0006\*) Set Public Hearing for January 20, 2021

\*Quasi-Judicial, All Persons Testifying Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Tract A, Block 6114, Unit 97, Cape Coral Subdivision, from Single-Family Residential (R-1) to Commercial (C) zone: property is located at 4330 Burnt Store Road North. (Applicant: Durden 28, LLC) (26.19 acres)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council APPROVE the rezone to the Commercial Zoning District.

DCD Department Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for January 20, 2021 in Council Chambers.

Ordinance 3-21 (ZA 20-0010\*) Set Public Hearing for January 20, 2021

\*Quasi-Judicial, All Persons Testifying Must Be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Official Zoning District Map of all property within the limits of the City of Cape Coral by rezoning property described as Lots 1 through 28, Block 1048, Cape Coral Subdivision, Unit 24, from Professional (P) to Residential Multi-Family Low (RML) zone; property is located at 1101-1127 SE 5th Court and 1102-1128 SE 6th Avenue. (Applicant: City of Cape Coral) (3.27 acres)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council GRANT the Rezoning application.

DCD Department Recommendation: Approval.

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for January 20, 2021 in Council Chambers.

**UNFINISHED BUSINESS**

Water Quality - Update

PW Director Clinghan provided the Water Quality Update.

- Lake Okeechobee was 15.81 feet, compared to 13 feet last year
- Total inflows to the Lake were 1,362 cfs and total outflows were 1,826 cfs
- Salinities in the Caloosahatchee River Estuary have risen to levels that sustain good ecological conditions
- Blue Green Algae blooms have not been observed on Lake Okeechobee
- Lee County reported slight Blue Green Algae presence along the upstream Franklin Lock and at the Davis boat ramp
- City staff did not report any visible Blue Green Algae or Red Tide effects along the tidal portion of Cape Coral
- A patchy bloom of Red tide (*Karenia brevis*) is present off Collier and Lee Counties
- Out of 13 samples collected in Lee County on December 28, 2020, 5 contained low to medium concentrations of Red Tide

Councilmember Gunter inquired if this topic was tabled per discussion at the last Council meeting.

City Manager Hernandez stated that the decision was to have the Water Quality update scheduled at the first Council meeting of the month.

Director Clinghan added unless something significant occurred.

#### Follow Up Items for Council

City Manager Hernandez requested that Fire Chief Lamb to provide an update on COVID-19. He recognized Staff, CERT, Fire Chief Lamb, and Matt Creed in Parks and Recreation for the COVID-19 vaccination event.

Fire Chief Lamb provided an update on the COVID-19 numbers, testing sites, and vaccinations. He noted that the Chester Street site will be closing down next week. A new site has opened on Cultural Park Boulevard by Curative, Inc. Lee County and the Department of Health have been controlling the inside portion for the vaccine distribution, and the City was responsible for the site and setup of the lines and parking.

Mayor Coviello stated that he walked the line and received positive feedback. He thanked Fire Chief Lamb, Interim Chief of Police Sizemore, and City Manager Hernandez for their leadership on this project. He discussed the number of vaccinations and sites availability. He noted that the vaccine would be distributed to local pharmacies.

Fire Chief Lamb stated that they are working with the County to make arrangements for the second shot for the 905 people after the 28 days of the first shot.

#### Council Meeting Calendar additions/changes request - Brought forward by City Management/City Clerk Bruns

City Clerk Bruns explained the Action Items and noted the change in item 2 from 10:00 a.m. to 9:15 a.m. for the public participation.

1. Add second Committee of the Whole Meeting in February (February 24, 2021, at 4:30 p.m. in Council Chambers.)
2. As a part of the previously scheduled Council Retreat, add an Executive Session Meeting of the City Council (in the shade) regarding Collective Bargaining pursuant to Florida Statutes Section 447.605(1), on Thursday, January 14, 2021 at 8:30 a.m. Public Participation at the Retreat to follow after the shade meeting beginning at ~~10:00 a.m.~~ 9:15 a.m. to be held at the Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914
3. As a part of the previously scheduled Council Retreat, add an Executive Session Meeting of the City Council (in the shade) regarding ITS Security Policy, pursuant to Florida Statutes Section 281.301, on Friday, January 15, 2021 at 8:30 a.m. Public Participation at the Retreat to follow after the shade meeting beginning at 9:15 a.m. to be held at the Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914

City Management recommends approval of Action items 1 through 3.

Mayor Coviello confirmed the changes would be to add the COW meeting on February 24<sup>th</sup> at 4:30 p.m. and a time change on January 14<sup>th</sup> from 10:00 a.m. to 9:15 a.m. and item 3 as stated in the summary.

***Councilmember Gunter moved, seconded by Councilmember Welsh, to approve 11.C. Action Items 1 through 3, as amended in the Summary Explanation and Background with one change - At the 1/14 Retreat public participation will begin at 9:15 a.m. (This includes the addition of a COW on 2/24/21 at 4:30 p.m. in Council***

***Chambers, and Details about location and public participation for the Retreats on 1/14 and 1/15).***

***Council polled as follows: Nelson, Sheppard, Welsh, Williams, Cosden, Coviello, Gunter, and Hayden voted "aye." Eight "ayes." Motion carried 8-0.***

## **NEW BUSINESS**

### **FY 2020 Annual Investment Performance Review**

Interim Financial Services Director Phillips stated that Debt Treasury Manager Heather Abrams was present for any questions, as well as John Grady and Rob Patini with Public Trust Advisors, who were present to discuss the Annual Investment Performance Review.

Mr. Grady discussed the following displayed slides:

- Economic Update and Trends
- International Monetary Fund Growth Projections
- Bloomberg Forecast – December 2020 Survey
- The Labor Market
- The Housing Market
- Inflation and Growth
- Federal Open Market Committee Dot Plot – September 16, 2020
- U.S. Treasury Yields
- Yield Curve Begins to Show (Slight) Signs of Steepening
- Recovery Scenarios
- Investment Characteristics and Strategy for the City's Portfolio
- The City's Long-Term Portfolios – Historical Trends
- Cape Coral Chart 2020
- Annual Investment Report 9-2020 1-3 Year
- Annual Investment Report 9-2020 1-5 Year

## **REPORTS OF THE MAYOR AND COUNCIL MEMBERS**

**Councilmember Nelson** – Topics: Attended Mayor Coviello's and Lee County Commissioner Ruane's speeches at the Lee Republican Women's Club in Cape Coral. They had discussed the year in review about accomplishments and challenges of the pandemic and assistance from the County. She thanked the Fire Chief, Interim Chief of Police, and the City Manager for their quick action.

**Councilmember Sheppard** – Topics: No Report.

**Councilmember Welsh** – Topics: No Report.

**Councilmember Williams** – Topics: Informational only.

**Councilmember Cosden** – Topics: No Report

**Councilmember Gunter** – Topics: No Report

**Councilmember Hayden** – Topics: Commended the Fire Chief, Interim Chief of Police, City Manager, and Staff for their efficiency on establishing COVID-19 sites for testing and vaccine distribution. Attended the swearing in ceremony of our new Lee County Tax Collector and Property Appraiser. Had the opportunity to speak with our new State Senator Ray Rodriguez, as well as other Leaders. Attended the Vietnam Wall Ceremony at the Brotherhood of Heroes last week. Will be attending the Groundbreaking tomorrow for that Wall which is moving from Ft. Myers to Four Mile Cove Park.

**Mayor Coviello** – Topics: City is sponsoring a Free Drive Up Movie Night on January 16, 2021 at Cultural Park Theater. Thanked the City Employee Unions for the \$6,000 donation to United Way. Reminded all that there is free COVID-19 testing across from

City Hall seven days a week from 8 a.m. to 6 p.m., no appointment needed. Met with newly elected Fort Myers Mayor Kevin Anderson. Attended the Wreaths Across America Ceremony at Coral Ridge. Also attended the Brotherhood of Heroes at the Military Museum and Resource Center in recognition of the moving of the Vietnam Memorial to Eco Park, groundbreaking tomorrow at 10:30 a.m. Guest Speaker at the Lee Republican Woman's Club. He had a discussion at the Brotherhood of Heroes with the DAV (Disabled American Veterans) Chapter 108 of Cape Coral who have adopted an American Flag Program for the citizens of Cape Coral. There are replacement flags available for free by contacting the Brotherhood of Heroes at 329 800-3365.

#### REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney: Topics: No Report.

City Manager: Topics: No Report.

#### TIME AND PLACE OF FUTURE MEETINGS

The Cape Coral City Council was scheduled to meet on Thursday, January 14, 2021, at The Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914. There will be an Executive Session regarding Collective Bargaining (Closed to the Public) beginning at 8:30 a.m. followed by the Retreat open to the public beginning at 9:15 a.m.

The Cape Coral City Council was scheduled to meet on Friday, January 15, 2021, at The Westin Cape Coral Resort at Marina Village, 5951 Silver King Boulevard, Tarpon Ballrooms 1, 2, and 3, Cape Coral, FL 33914. There will be an Executive Session regarding ITS Security Policy (Closed to the Public) beginning at 8:30 a.m. followed by the Retreat open to the public beginning at 9:15 a.m.

A Regular Meeting of the Cape Coral City Council was scheduled for Wednesday, January 20, 2021, at 4:30 p.m. in Council Chambers.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:50 p.m.

Submitted by,



Kimberly Bruns, CMC  
City Clerk